

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of:

HAEBERLI

Application No.: 09/560,222

Filed: 4/28/2000

For: SYSTEM AND METHOD OF
CHANGING ATTRIBUTES OF AN
IMAGE-BASED PRODUCT

Examiner: Fadok, Mark A.

Art Unit: 3668

Claim Amendment and Response to
Advisory Action

Dear Examiner Fadok:

Thank you for making suggestions on languages for claim amendment on
November 8th. Claims 112-136 have been amended incorporating your suggestions.

REMARKS

U.S. Patent 6,069,637 by Gaglione et al discloses

“a system and method for combining a first captured generated digital image. A
mask representation of at least a portion of the second prestored digital image is
displayed on the device with the captured generated digital image so as to produce a
preview image. The system also allows for automatically sizing of text in accordance
with a predetermined relationship prior to merging the captured generated digital image
and the second prestored image. The system also displays the second prestored digital
image at a first DPI resolution with the at least one first captured generated digital image
and/or text while the preview image is being displayed so as to produce image merging
instructions; and combining the first captured generated digital image and/or text at a

second higher DPI resolution in accordance with the image merging instructions so as to form a merged digitally composed image subsequent to viewing the preview image.”

Gaglione et al teach a system and method for combining a first captured generated digital image and a mask representation of at least a portion of the second prestored digital image to produce a preview image. Gaglione et al do not disclose “analyzing an attribute associated with the first digital image at the web site to determine one or more suitable product features that can be integrated with the first digital image” in the amended claim 112. Neither do Gaglione et al teach “automatically selecting a suitable product feature from the one or more suitable product features for integration with the first digital image” in the amended claim 112. In addition, Gaglione et al do not include the element of “a second digital image containing both the automatically selected suitable product feature and the first digital image” in the amended claim 112.

U.S. Patent Application Publication 20010013896 by Anderson discloses “Method and system aspects for digital image stamping”. “A method aspect, and system for providing same, stamps digital images captured with a digital image capture unit. Included are the establishing of parameters for at least one stamp type and the capturing of raw image data. Further included are the processing of the raw image data into at least one image, and the applying of the at least one stamp type to the at least one image.”

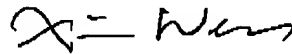
Anderson discloses a user-driven workflow in Figure 12 and Paragraph 0069 for digital image stamping. Anderson does not teach several elements in the amended claim 112. Anderson does not disclose “analyzing an attribute associated with the first digital image at the web site to determine one or more suitable product features that can be integrated with the first digital image”. Anderson does not teach “automatically selecting a suitable product feature from the one or more suitable product features for integration with the first digital image”. Anderson also does not include “a second digital image containing both the automatically selected suitable product feature and the first digital image”.

In sum, neither Gaglione et al nor Anderson show all the claimed elements recited in the amended claim 112. Applicants submit that the rejection to claim 112 should be withdrawn and the amended claim 112 and the associated dependent claims should be allowed.

CONCLUSION

Applicants believe that the above discussion is fully responsive to Advisory Action dated 11/8/2005. If for any reasons the Examiner believes a telephone conference would in any way expedite resolution of the issues raised in this appeal, the Examiner is invited to telephone the undersigned at 650-610-3522.

Respectfully submitted,



Xin Wen

Reg. No. 53,758

PENDING CLAIMS

1-111. Cancelled.

112. (Currently Amended) A method for providing a web site generated demonstration of a product feature from a plurality of image-based products, comprising:

receiving a first digital image at a web site from a remote computer;
receiving a request from a remote user for a demonstration of a product feature using the first digital image;

analyzing an attribute associated with the first digital image at the web site to determine one or more suitable product features that can be integrated with the first digital image;

automatically selecting a suitable product feature from the one or more suitable product features for integration with the first digital image; and

displaying to the remote user a second digital image containing both the automatically selected suitable product feature and the first digital image.

~~A method for automatically demonstrating a product feature associated with a plurality of image-based products, each image-based product having one or more product attributes, comprising:~~

~~receiving a first image from a user;~~

~~receiving a request for a demonstration of an image-based product by the user;~~

~~automatically selecting one of the plurality of image-based products by a computer;~~

~~automatically selecting at least one of the product attributes for the selected image-based product; and~~

~~automatically processing a first preview image of the selected image-based product having the selected product attributes using the image provided by the user.~~

113. (Currently Amended) The method of claim 112, wherein the second digital image illustrates an image-based product containing the first digital image and the automatically selected suitable product feature.

~~further comprising: the first preview image of the image-based product.~~

114. (Currently Amended) The method of claim 113, wherein displaying to the remote user the second digital image ~~the first preview image of the image-based product~~ includes:

downloading the ~~first preview~~ second digital image to a client computer; and
displaying the ~~first preview~~ second digital image on the client computer.

115. (Currently Amended) The method of claim 112, further comprising uploading the first digital image from a client computer to a server using a computer network.

116. (Currently Amended) The method of claim 112, further comprising receiving a selection of the first digital image from a plurality of images.

117. (Currently Amended) The method of claim 112, wherein the attribute of the first digital image includes a color attribute of the first digital image.

118. (Currently Amended) The method of claim 112, wherein the attribute of the first digital image includes an image border attribute of the first digital image.

119. (Cancelled)

120. (Currently Amended) The method of claim 112~~9~~, wherein automatically selecting the suitable product feature from the one or more suitable product features for integration with the first digital image ~~is the new value for the product attribute is automatically selected based on the analysis of the first digital image.~~

121. (Currently Amended) The method of claim 112~~9~~, wherein analyzing an attribute associated with the first digital image includes generating a set of representative colors from the first digital image.

122. (Currently Amended) The method of claim 121~~0~~, wherein automatically selecting a suitable product feature ~~the new value for the product attribute~~ includes selecting a color as a function of at least one of the representative colors.

123. (No change) The method of claim 122, wherein selecting the color as a function of at least one of the representative colors includes selecting a color that matches at least one of the representative colors.

124. (Currently Amended) The method of claim 122~~3~~, wherein selecting the color as a function ~~that matches~~ at least one of the representative colors includes selecting a color that complements at least one of the representative colors.

125. (No change) The method of claim 122, wherein selecting the color as a function of at least one of the representative colors includes selecting the color from the set of representative colors.

126. (No change) The method of claim 125, wherein selecting the color from the set of representative colors includes selecting the most popular color.

127. (No change) The method of claim 125, wherein selecting the color from the set of representative colors includes selecting the color at random from the set of representative colors.

128. (Currently Amended) The method of claim 112, wherein the attribute associated with the first digital image includes the color for an image border of the first digital image, ~~product attribute is a border color product attribute of the image-based product and the new value is the selected color.~~

129. (Cancelled)

130. (Currently Amended) The method of claim 112, wherein automatically selecting a suitable product feature comprises randomly selecting a suitable product feature from the one or more suitable product features~~selecting a new value for the product attribute includes selecting the new value at random.~~

131. (Currently Amended) The method of claim ~~112~~¹²³⁰, wherein automatically selecting a suitable product feature comprises selecting a suitable product feature from a previously selected product feature~~the selection of the new value is constrained based on previous values of the product attribute.~~

132. (Currently Amended) The method of claim 112, wherein automatically selecting a suitable product feature comprises pseudo-randomly selecting a suitable product feature from the one or more suitable product features~~selecting a new value for the product attribute includes selecting the new value at pseudo-random.~~

133. (Currently Amended) The method of claim 112, wherein automatically selecting a suitable product feature comprises selecting a suitable product feature from the one or more suitable product features in a predetermined order~~selecting a new value for the product attribute includes selecting the new value from a predetermined ordering of values.~~

134. (Cancelled)

135. (Currently Amended) The method of claim 112, further comprising:
receiving a plurality of first digital images;
automatically identifying an image attribute of each of the received first digital images; and
automatically selecting the a first digital ~~and second~~ images from the received first digital images based on the image attributes of the received images.

136. (Currently Amended) The method of claim 112, further comprising fulfilling the order for the image-based product having the automatically selected suitable product feature and the first digital image.